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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS

In Re: Kenneth D. Mooney and Mary Margaret Mooney
Debtor

Case No.: 04−60128

Chapter: 7

INITIAL ORDER FOR PROSECUTION OF CHAPTER 7 CASE

THIS IS A CASE MANAGEMENT ORDER ISSUED UNDER AUTHORITY OF BANKRUPTCY CODE § 105(a). FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL OF THIS CASE, POSSIBLY WITH PREJUDICE TO THE DEBTOR FILING ANOTHER BANKRUPTCY CASE. NOTE THAT UNDER AUTHORITY OF BANKRUPTCY LOCAL RULE (BLR) 1001(d), THE PROVISIONS OF THIS ORDER SUPERCEDE THE BLR TO THE EXTENT THAT THERE MAY BE A CONFLICT. IN ALL CASES, IF NO PARTY REQUESTS A HEARING, THE COURT MAY DISMISS A CASE WITHOUT AN ACTUAL HEARING AS PROVIDED BY BANKRUPTCY CODE § 102(1).

1. **Payment of the filing fee.**

   a. The Debtor shall pay the filing fee with the petition or promptly on the due date provided in an order allowing installment payments.
   b. If the filing fee is not paid with the petition and no motion for installment payment is filed, or if any installment of the filing fee is not paid when due and no extension has been requested, the Clerk shall issue a notice of pending dismissal of the case for failure to pay filing fees. The notice of pending dismissal shall be served on the Debtor, Debtor's' counsel and the chapter 7 trustee.
   c. If the Debtor does not pay the filing fee or request a hearing within 10 days after the notice is served, the case may be dismissed forthwith.

2. **Filing the list of creditors, schedule of assets and liabilities, *etc*.**

   a. The list of creditors (with addresses) must be filed with the petition in the format prescribed by the Clerk unless a motion for extension of time under Rule 1007(a)(4) is filed with the petition.
   b. A motion for extension of time to file the list of creditors or bankruptcy schedules need be served only on the chapter 7 trustee and U.S. Trustee.
   c. If the U.S. Trustee files a motion to dismiss under Bankruptcy Code § 707(a)(3), the motion shall be served on the chapter 7 trustee and the Debtor, and if the Debtor is represented by counsel, on Debtor's counsel.
   d. If the U.S. Trustee files a motion to dismiss under §707(a)(3), the motion need not include BLR 9013 language but shall include the following notice:

If the Debtor requests a hearing, the Debtor and counsel must attend the hearing. If no party has requested a hearing within 10 days after the date that the motion was served, the United States Trustee may file a certificate of non−compliance and the Court may dismiss this case without actually conducting a hearing.

THE CLERK IS DIRECTED TO ENTER A COPY OF THIS ORDER IN EACH CHAPTER 7 CASE FILED IN THIS COURT.

SIGNED AND ENTERED ON DOCKET: 3/16/04

WILLIAM R GREENDYKE
United States Bankruptcy Judge

KAREN K BROWN
United States Bankruptcy Judge

LETICIA Z CLARK
United States Bankruptcy Judge

RICHARD S SCHMIDT
United States Bankruptcy Judge

MARVIN ISGUR
United States Bankruptcy Judge

WESLEY W STEEN
United States Bankruptcy Judge

The Clerk shall notice:

Debtor
Debtor's counsel
Chapter 7 Trustee